

# H E R R I C K

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March 28, 2007

Via Electronic Delivery and First Class Mail

Honorable Dennis M. Cavanaugh, U.S.D.J.  
United States District Court  
for the District of New Jersey  
Martin Luther King, Jr. Federal  
Building and Courthouse  
50 Walnut Street  
Newark, New Jersey 07101-0999

Re: Merrill Lynch Business Financial Services, Inc.  
vs. Arthur Kupperman, et al.  
Civil Action No. 06 Civ. 4802 (DMC)

Dear Judge Cavanaugh:

This firm represents defendant JPMorgan Chase Bank, N.A. in connection with the above-referenced matter. We are in receipt of a letter to Your Honor from Vincent Papalia, Esq., counsel to defendant E. Ross Browne, dated March 27, 2007.

In his letter, Mr. Papalia requests that the Court schedule a settlement conference. As the Court is aware, however, various motions are presently pending before Your Honor, including a potentially dispositive motion with respect to Mr. Browne. Accordingly, we respectfully submit that a settlement conference before Your Honor is not warranted at this time.

Thank you.

Respectfully submitted,

/s/ Paul H. Schafhauser

Paul H. Schafhauser

cc: A. Michael Covino, Esq. (via e-filing)  
Frederick B. Polak, Esq. (via e-filing)  
Vincent F. Papalia, Esq. (via e-filing)  
George R. Hirsch, Esq. (via e-filing)